

## REMARKS

### Interview Summary

Applicant's Representative, Mark Niemann, wishes to thank Examiner Nicholas Augustine for the telephone interview on June 3<sup>rd</sup>, 2008.

5 During the interview, Applicant's Representative and the Examiner discussed differences between the Blaze reference and Applicant's disclosure. The Examiner agreed with Applicant's Representative that the Blaze reference did not teach the display of audio controls (such as play, pause, stop, etc.) in the taskbar. Rather, the Blaze reference minimizes the media player in the taskbar as a small *icon*. A user can 10 subsequently click on the icon, but no controls whatsoever are displayed in the taskbar.

Furthermore, the Srinivasan reference does not teach that controls are displayed in an *operating system's taskbar*. The examiner indicated that amending the independent claims to clarify that controls, such as play, pause, or stop, are displayed in an operating system's task bar would make the claims allowable over the Blaze and Srinivasan 15 references. Accordingly, Applicant has amended the independent claims in a manner that more clearly shows that controls such as play, pause, or stop are displayed in an operating system's taskbar.

Applicant's Representative understood the Examiner to consider the claims as amended allowable over the Blaze and Srinivasan references. Applicant respectfully 20 requests a phone call if the Examiner thinks there are any further issues that might delay issuance, and Applicant greatly appreciates Examiner Augustine's willingness to assist Applicant in advancing prosecution.

### Rejections under § 103

25 Claims 1-9, 12-18, 20, 21, 23-24, 36-37, 41-46, and 50-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blaze Software (Blaze Tray Audio) ("Blaze") in view of U.S. Patent No. 6,357,042 to Srinivasan et al. ("Srinivasan").

Claims 1, 25, 41, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0212640 to Mann et al. ("Mann") in view of 30 Srinivasan.

Claims 10, 11, 19, 22, 25-35, 38-40, and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blaze in view of Srinivasan and further in view of <http://web.archive.org/web/20021130001235/http://gustosoft.com> (“GustoSoft”).

Claims 14 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable  
5 over Mann in view of Srinivasan.

### **Response to 103 Rejections**

As noted in the Interview Summary above, Applicant understands the Examiner to consider all of the pending claims allowable over the Blaze and Srinivasan references.

10 In addition, Applicant submits that the Mann reference is removable under 103(c). 35 U.S.C. § 103(c) states, in pertinent part, that “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section [35 U.S.C. § 103] where the subject matter and the claimed invention were, at the time the claimed  
15 invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Applicant asserts that the Mann reference qualifies as prior art only under subsection 102(e). Furthermore, Applicant asserts that the Mann reference was “owned, or subject to an obligation of assignment” to Microsoft Corporation, at the time the  
20 current application was filed. Thus, the Mann reference is removable under 103(c).

Accordingly, Applicant requests that the Office remove the Mann reference from its rejection.

In view of the above, Applicant submits that all of the pending claims are in condition for allowance.

### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully  
5 requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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